

39-6-38 Plea of not guilty -- Accepted -- Withdrawn.

- (1) A plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty, if the accused:
 - (a) after arraignment makes an irregular pleading;
 - (b) after a plea of guilty raises a matter inconsistent with the plea;
 - (c) has apparently entered the plea of guilty improvidently or through lack of understanding of its meaning and effect; or
 - (d) fails or refuses to plead.
- (2)
 - (a) A plea of guilty by the accused may not be accepted to any charge or specification alleging an offense for which a determinate term of one year confinement may be imposed.
 - (b) If a plea of guilty has been accepted by the military judge, a finding of guilty, if permitted by regulations promulgated by the governor, shall be entered immediately without vote and constitutes the finding of the court.
 - (c) If the plea of guilty is withdrawn prior to announcement of the sentence, the proceedings shall continue as though the accused had pleaded not guilty.

Enacted by Chapter 210, 1988 General Session